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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,052

04/22/2002

Roger New

1417-212

5183

6449

7590

09/06/2006

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EXAMINER

SHIBUYA, MARK LANCE

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

SHIBUYA

ART UNIT

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1639


20060902

DATE MAILED:

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Commissioner for Patents

Please see attached communication.

  
MARK SHIBUYA, PH.D.  
PATENT EXAMINER

Art Unit: 1639

### DETAILED ACTION

The reply filed on 6/20/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s) as set forth below. See 37 CFR 1.111.

Applicant, in the Reply, entered 6/20/2006, to the previous Office action, mailed 12/20/2005, states a Sequence Listing is not required for the instant application. The previous Office action, stated that the submitted CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached Raw Sequence Listing Error Report. A notice to comply with the sequence rules was also attached. See previous Office action, mailed 12/20/2005.

Applicant argues that "[t]he consecutively listed amino acid symbols in the tables on pages 17, 18, 21 and 23 **do not represent peptide sequences**", (emphasis added). Applicant states:

The previous sequence listing filed on February 22, 2005 was rejected because of the description of artificial sequences. Applicants submit that the current application does not need a Sequence Listing. The consecutively listed amino acid symbols in the tables on pages 17, 18, 21 and 23 do not represent peptide sequences. They merely indicate the types of head groups of specific embodiments. For example, "EYQS" indicates that four conjugates are present, in which one conjugate has glutamic acid as the head group, a second conjugate has tyrosine as a head group, a third conjugate has glutamine as a head group and the fourth conjugate has serine as the head group. An amendment to the specification deleting the unnecessary sequence identifiers and the Sequence Listing were made herewith.

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Reply, filed 6/20/2006, at p. 13 of 22, para 6.

Applicant's argument is not persuasive. The specification as filed provides support for the non-compliant disclosure of the referenced amino acid peptide sequences. In particular, the specification at p. 15, para 1, states that in the Examples, peptide bonds connect the amino acids into peptide chains. The specification at pp. 10-11, Table 1, sets forth the abbreviations for amino acids used in the Examples of the specification. Thus, the examiner respectfully submits that applicant's argument that the Examples do not disclose peptide sequences, is not consonant with the specification as filed, which provides support for the future claiming of those very sequences. Therefore, the finding that the specification is within the sequence rules, and that the application does not comply with said sequence rules, is maintained.

The requirement, as set forth in the previous Office action, is maintained and the Reply, filed 6/20/2006, is not responsive.


Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Shibuya whose telephone number is (571) 272-0806. The examiner can normally be reached on M-F, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Mark L. Shibuya  
Examiner  
Art Unit 1639